

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-12 are pending in this application. Claims 1, 5, and 9-12 are amended, and Claim 13 is canceled by the present Amendment.

In the outstanding Office Action, Claims 9-13 were rejected under 35 U.S.C. § 101; and Claims 1-8 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent 6,320,495 to Sporgis.

Regarding the rejection under 35 U.S.C. § 101, Claims 9-12 are amended to be directed to a computer-readable recording medium, wherein the recording medium stores a winner deciding program, which is statutory matter complying with 35 U.S.C. § 101. Accordingly, it is respectfully requested that rejection be withdrawn.

In addition, Applicants respectfully traverse the rejection of Claims 1-8 under 35 U.S.C. § 102(e) as anticipated by Sporgis, with respect to amended independent Claims 1, 5, and 9.

Amended Claim 1 is directed to a winner deciding system that includes, in part, a transmitter transmitting preliminary information related to a winning location and related to deadline information indicating an expiration date of the preliminary information or time period information indicating a preliminary information availability period to mobile devices and transmitting a winning result to at least one winning mobile device. In addition, the winner deciding system includes a receiver receiving location information, and a processor deciding at least one mobile device as a winning mobile device. Claims 5 and 9 include similar features.

Thus, in an embodiment of a winner deciding system according to Claim 1, a user may be required to transmit the location information of the mobile device from the winning

location given by the preliminary information before the deadline or within the availability period. Moreover, such a system may decide a winner, for example, by a drawing of lots using a lottery rate, instead of on a first come basis.¹ Thus, if there are several users who arrive at a same place within a same period of time, each of those users may not yet know whether they will be chosen as a winner. Therefore, the present invention has an advantageous effect that gives users hope and excitement, which cannot be obtained in conventional systems where the winner is the first party to reach the destination.

Applicants respectfully submit that Sporgis fails to teach or suggest each of the features of the amended independent claims. For example, Sporgis fails to teach or suggest preliminary information that is related to a winning location and related to a deadline information indicating an expiration date of the preliminary information or a time period information indicating the preliminary information availability period. Sporgis indicates that a player who reaches the treasure faster than others will be the winner in a Treasure Hunt Game.² Thus, in a system according to the invention of Sporgis, there is no reason for transmitting preliminary information related to a winning location or deadline information indicating an expiration date of the preliminary information or a time period information indicating a preliminary information availability, and Sporgis fails to teach or suggest those features. Thus, Applicants respectfully submit that Sporgis fails to teach or suggest a winner deciding system that includes “a transmitter transmitting preliminary information related to a winning location and related to deadline information indicating an expiration date of the preliminary information or time period information indicating a preliminary information availability period,” as recited in independent Claim 1, and as similarly recited in independent Claims 5 and 9.

¹ Specification at paragraphs [0036], [0049], and [0050].

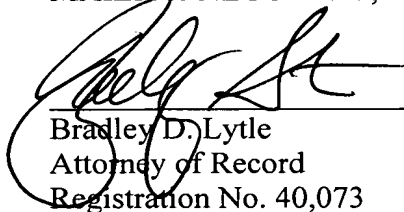
² Sporgis at column 2, lines 21-22, and column 3, lines 17-18.

Accordingly, Applicants respectfully submit that independent Claims 1, 5, and 9, and claims depending therefrom, are allowable.

Consequently, in light of the above discussion and in view of the present Amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 03/06)

Zachary S. Stern
Registration No. 54,719